

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

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|--------------------------|---|-----------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| v. | § | CRIMINAL NO. 4:10CR52 |
| | § | |
| JENNIFER CHRISTIE MALOY | § | |

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 22, 2011 to determine whether Defendant violated her supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Mandy Griffith.

On August 30, 2006, Defendant was sentenced by the Honorable Jorge A. Solis, United States District Judge, to a sentence of 22 months imprisonment followed by a 3-year term of supervised release, for the offense of theft or receipt of stolen mail matter. Defendant began her term of supervision on January 18, 2008. The case was reassigned to District Judge Richard A. Schell on March 16, 2010.

On April 6, 2010, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the “Petition”) (Dkt. 3). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; (2) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer; and (3) Defendant shall participate in a program approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for detection of substance use or abuse, and Defendant shall refrain from the use of alcohol and/or all other intoxicants during and after completion of treatment.

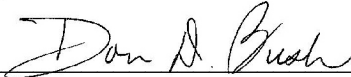
The Petition alleges that Defendant committed the following violations: (1) Defendant failed to submit a written monthly report for the months of November and December 2009; (2) Defendant failed to notify the U.S. Probation Officer and being contacted by Grapevine Police Department on or about November 17, 2009, as she was considered a suspect in a credit card abuse case; and (3) Defendant has failed to participate in substance abuse treatment and testing at Addiction Recovery Center in Lewisville, TX, for the months of November and December 2009 and January 2010.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived her right to allocute before the district judge and her right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of her supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the August 22, 2011 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Carswell Bureau of Prisons facilities, if appropriate.

SIGNED this 9th day of September, 2011.

A handwritten signature in cursive script, reading "Don D. Bush", written in black ink.

DON D. BUSH
UNITED STATES MAGISTRATE JUDGE